



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CITY OF ROCHESTER/ROCHESTER POLICE COMMISSION
Petitioner
v.
STATE EMPLOYEES ASSOCIATION, CHAPTER 43 (ROCHESTER POLICY OFFICERS)
Respondent

CASE NO. P-0712:12
DECISION NO. 86-59

APPEARANCES

Representing the Petitioner, City of Rochester/Rochester Police Commission

Wayne E. Murray, Esq., Counsel

Representing the Respondent, SEA, Chapter 43 (Rochester Police Officers)

Thomas F. Hardiman, Assist. Ex. Director, Chief Negotiator

Also in attendance

Robert Bridges, Pres., SEA Chapter 54
Marvis Bridges
John Bohn, Reporter, Foster's Democrat

BACKGROUND

The City of Rochester/Rochester Police Commission, on June 25, 1986, filed a complaint of Unfair Labor Practice(s) against the State Employees Association, Chapter 54 (Rochester Police Officers).

The City alleges that the parties agreed on ground rules for their negotiations which included a rule that "... any press release concerning any aspect of contract negotiations is to be jointly agreed upon, in writing, prior to release." The City charges that the Association violated this rule by giving information to the press without the City's agreement, thereby violating RSA 273-A:5, II (d).

The Association denied any violation of RSA 273-A, claiming any communication with the press had only to do with the process and aspects of RSA 273-A itself.

A hearing was held on July 22, 1986 at the PELRB's office in Concord, N.H.

FINDING OF FACT

1. A contract between the parties is currently in effect covering the period July 1, 1983 to June 30, 1986, and is self-renewing and remains in effect.
2. The parties entered negotiations for a successor contract and agreed to a set of ground rules (dated March 12, 1986).
3. Ground rule No. 2 states: "Each side agrees and acknowledges that discussions during negotiation sessions are confidential, and any press release concerning any aspect of contract negotiations is to be jointly agreed upon, in writing, prior to release."
4. The parties negotiated from March of 1986 to May 21, 1986 at which point impasse was declared and mediation was scheduled (and held) on June 30, 1986.
5. The Association's Representative and the President of the local Police Association did talk to certain press people and were quoted in the press, which they did not deny.
6. Any statements made to the Press would be covered by the strict admonitions of the ground rule: "...any aspect..."

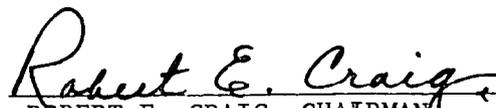
RULINGS OF LAW

The question is whether or not the ground rules were in effect when the statements were made to the press. We think not. When the impasse was declared the direct negotiations between the parties ceased and other means were begun. The negotiations process contains several stages:

(As clearly recognized by RSA 273-A) direct negotiations between the parties, negotiations through a mediator third party and finally a hearing and recommendation from a third party fact-finder. Once impasse has been declared, any agreement on ground rules covering the direct negotiations is no longer in effect and parties may make public statement. It might be possible to have ground rules to cover the direct negotiations and subsequent stages of the negotiations process but such was not the case here since the ground rules clearly cover the "collective bargaining negotiations."

DECISION AND ORDER

The PELRB declines to find an Unfair Labor Practice in this case and orders the parties to continue with the negotiation process.


ROBERT E. CRAIG, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATION BOARD

Signed this 12th day of September, 1986.

By unanimous vote. Robert E. Craig, Chairman presiding. Members Seymour Osman and Dan Toomey present and voting. Also present Executive Director, Evelyn C. LeBrun